

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LUMINATI NETWORKS LTD.**

**Plaintiff,**

**v.**

**BISCIENCE INC.**

**Defendant.**

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**CIVIL ACTION NO. 2:18-cv-483-JRG**

**JURY TRIAL DEMANDED**

**DEFENDANT BISCIENCE’S MOTION  
TO WITHDRAW FINDLAY CRAFT, P.C. AS COUNSEL  
AND TO STAY CASE FOR SUBSTITUTE COUNSEL TO APPEAR**

1. COMES NOW Findlay Craft, P.C. (“Findlay Craft”), counsel for Defendant BIScience (2009) Ltd. (hereinafter referred to as “BIScience”), pursuant to LR [REDACTED] and hereby seeks leave of this Honorable Court requesting that Findlay Craft be permitted to withdraw from representation of BIScience in this matter, and in support thereof states as follows:

2. By virtue of this Court’s ruling on Plaintiff Luminati Network Ltd.’s (“Luminati”) Motion to Enforce Settlement Agreement (Dkt. 170) and the subsequent Arbitration Award in this action, which also affects similar litigation in 2:19-cv-00352-JRG; *Luminati Networks Ltd. v. BI Science (2009) Ltd.*, and 2:19-cv-00395-JRG *Luminati Networks Ltd. v. Teso LT, UAB et al* (Lead case of 2:19-cv-00397-JRG; *Luminati Networks Ltd. v. BI Science (2009) Ltd.*), these cases are largely at an end. BIScience has informed the undersigned that it intends to exercise its right of appeal of, at least, the Court’s order with respect to the mediated settlement agreement. The

undersigned has explained to BIScience that Findlay Craft is not appellate counsel and that appellate counsel will need to be retained and appear as quickly as possible.<sup>1</sup>

3. In addition, good cause exists to permit Findlay Craft to withdraw as counsel as allowed under [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. It is the undersigned's understanding that BIScience intends to retain appellate counsel who will also appear in this matter as counsel of record. For this reason, BIScience respectfully requests a short stay of 30 days of all deadlines and action in the matter in order to allow BIScience adequate minimum time to retain new counsel to protect its appellate rights.

5. This requested stay will not cause prejudice to Luminati as Luminati is intending to file, at least, a motion to recover attorney's fees post settlement, so this case will continue in some capacity of litigation for the foreseeable future.

6. This same Motion is contemporaneously being filed in 2:19-cv-00352-JRG; *Luminati Networks Ltd. v. BI Science (2009) Ltd.*, and 2:19-cv-00395-JRG *Luminati Networks Ltd.*

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<sup>1</sup> David Liston and Ronald Abramson of Liston Abramson have also appeared as counsel of record in this matter, but have not been substantially involved in this district court litigation, but were substantially involved in the PTAB proceedings. Mr. Liston and Mr. Abramson do intend to move this Court to withdraw from this matter as well.

*v. Teso LT, UAB et al* (Lead case of 2:19-cv-00397-JRG; *Luminati Networks Ltd. v. BI Science (2009) Ltd.*).

**PRAYER**

For the reasons cited above, Findlay Craft respectfully requests that the Court grant this Motion for Withdrawal and to stay the case for substitute counsel to appear.

Dated: May 1, 2020

Respectfully submitted,

By: /s/ Eric H. Findlay  
Eric H. Findlay (TX Bar No. 00789886)  
Brian Craft (TX Bar No. 04972020)  
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***ATTORNEYS FOR DEFENDANT  
BISCIENCE***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will serve all counsel via electronic mail.

/s/ Eric H. Findlay  
Eric H. Findlay

**CERTIFICATE OF CONFERENCE**

The Parties have complied with Local Rule CV-7(h). Counsel for BIScience, met and conferred with Plaintiff's counsel on May 1, 2020, and Plaintiff opposes the relief sought herein.

/s/ Eric H. Findlay  
Eric H. Findlay